

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

D.T. by and through his parents and
guardians, K.T. and W.T., individually, on
behalf of similarly situated individuals,
and on behalf of the NECA/IBEW Family
Medical Care Plan

Plaintiff,

v.

NECA/IBEW FAMILY MEDICAL
CARE PLAN, THE BOARD OF
TRUSTEES OF THE NECA/IBEW
FAMILY MEDICAL CARE PLAN,
SALVATORE J. CHILIA, ROBERT P.
KLEIN, DARRELL L. MCCUBBINS,
GEARY HIGGINS, LAWRENCE J.
MOTER, JR., KEVIN TIGHE, JERRY
SIMS, AND ANY OTHER
INDIVIDUAL MEMBER OF THE
BOARD OF TRUSTEES OF
NECA/IBEW FAMILY MEDICAL
CARE PLAN,

Defendants.

No. 17-cv-00004-RAJ

ORDER

This matter comes before the Court on Plaintiff's Motion to Seal/Redact certain
exhibits filed in support of Plaintiff's Motion for Class Certification. Dkt. # 33.

1 Defendants have filed a Response, requesting leave to file under seal and redacted
2 versions of several additional documents related to the parties' papers on Plaintiff's
3 Motion for Class Certification. Dkt. # 51. Neither party opposes the other's request.

4 "There is a strong presumption of public access to the court's files." Western
5 District of Washington Local Civil Rule ("LCR") 5(g). "Only in rare circumstances
6 should a party file a motion, opposition, or reply under seal." LCR 5(g)(5). Normally the
7 moving party must include "a specific statement of the applicable legal standard and the
8 reasons for keeping a document under seal, with evidentiary support from declarations
9 where necessary." LCR 5(g)(3)(B). However, pursuant to LCR 5(g), whichever party
10 designates a document confidential must provide a "specific statement of the applicable
11 legal standard and the reasons for keeping a document under seal, including an
12 explanation of: (i) the legitimate private or public interest that warrant the relief sought;
13 (ii) the injury that will result if the relief sought is not granted; and (iii) why a less
14 restrictive alternative to the relief sought is not sufficient." LCR 5(g). A "good cause"
15 showing under Rule 26(c) will suffice to keep sealed records attached to non-dispositive
16 motions. *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006)
(internal citations omitted).

17 The parties have met and conferred on the appropriate redactions, and have filed
18 the documents under seal (and redacted copies on the public docket) pending Court
19 resolution of this Motion. Dkt. # 51-2. Upon consideration of Plaintiff's Motion to
20 Seal/Redact in this action, Defendants' Response, and the record on file in this case, the
21 Court finds that the parties have demonstrated good cause to file the indicated documents
22 under seal. The Court has reviewed the documents and finds that they contain sensitive
23 proprietary, personal, and medical information. The Court also finds the proposed
24 redacted versions of the documents, which are to be filed on the public docket, to be
25 reasonable.

1 Accordingly, it is hereby **ORDERED** that Plaintiff's Motion is **GRANTED**. Dkt.
2 # 33. The following documents may be filed under seal, with public versions where the
3 relevant information is redacted, pending the outcome of this litigation, at which time the
4 Court may determine that the documents will be unsealed:

- 5 • Exhibit B, Exhibit A2 Defendants' Supplemental Responses to Discovery
6 Requests, attached to Declaration of E. Hamburger In Support of Plaintiff's
7 Motion for Class Certification (Dkt. #38).
- 8 • Exhibit C, Excerpt of Deposition of L. Trunzo, attached to Declaration of
9 E. Hamburger In Support of Plaintiff's Motion for Class Certification (Dkt.
10 #38).
- 11 • Exhibit D, Sav-Rx Summary of Medicinal Treatments, attached to
12 Declaration of E. Hamburger In Support of Plaintiff's Motion for Class
13 Certification (Dkt. #38).
- 14 • Exhibit E, Excerpt of Deposition of J. Hill, attached to Declaration of E.
15 Hamburger In Support of Plaintiff's Motion for Class Certification (Dkt.
16 #38).
- 17 • Exhibit G, Excerpt of Deposition of M. Plachta, attached to Declaration of
18 E. Hamburger In Support of Motion for Class Certification (Dkt. #38).
- 19 • Exhibit 6, Diagnostic Codes Denied Under Developmental Delay Exclusion
20 In Anthem Claims System, attached to Declaration of K. Burch In Support
21 of Defendants' Response in Opposition to Motion for Class Certification
22 (Dkt. #46).
- 23 • Exhibit A, Defendants' Responses to Discovery Requests, attached to
24 Declaration of R. Spoonemore In Support of Plaintiff's Reply to Motion for
25 Class Certification (Dkt. #48).
- Exhibit A, Email Correspondence from J. Hill, attached to Declaration of E.
Hamburger In Support of Motion for Class Certification (Dkt. #38).

- Exhibit F, Foster & Foster Report, attached to Declaration of E. Hamburger In Support of Motion for Class Certification (Dkt. #38).
- Exhibit 7, Deposition of W.T., attached to Declaration of K. Burch In Support of Defendants' Response in Opposition to Motion for Class Certification (Dkt. #46).

Dated this 10th day of September, 2018.

A handwritten signature in black ink, reading "Richard A. Jones", written over a horizontal line.

The Honorable Richard A. Jones
United States District Judge